

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,
Plaintiffs,
v.
DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC
and JIMBAKER LLC,
Plaintiffs,
v.
DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 04-CV-10501 (PBS)

**DECLARATION OF SUSAN M. DAVIES IN OPPOSITION TO
DEXIA BANK BELGIUM'S MOTION FOR JUDGMENT ON THE PLEADINGS**

SUSAN M. DAVIES, declares pursuant to 28 U.S.C. § 1746 that:

1. I am a member of the Gregory P. Joseph Law Offices LLC, which represents Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust in the above-captioned action *Filler v. Dexia, S.A.*, No. 04-CV-10477-PBS. On June 13, 2005, the Court granted leave for me to appear *pro hac vice* in that action. Unless otherwise indicated, I have personal knowledge of the matters addressed in this declaration. I am over the age of 18 and am fully competent to testify.

2. I submit this declaration on behalf of the plaintiffs in the above-captioned actions ("Dragon Plaintiffs") in opposition to Defendant Dexia Bank Belgium's Motion for Judgment on the Pleadings.

3. Annexed hereto as **Exhibit A** is a true and correct copy of the final order of the United States District Court for the Southern District of New York dismissing *Filler v. Hanvit Bank*, 01 Civ. 9510 (MGC) with prejudice. This order, which is dated November 1, 2004, was entered on November 3, 2004.


4. Annexed hereto as **Exhibit B** is a true and correct copy of the final order of the United States District Court for the Southern District of New York dismissing *Baker v. Hanvit Bank*, 02 Civ. 8251 (MGC) (S.D.N.Y.) with prejudice. This order, which is dated November 1, 2004, was entered on November 3, 2004.

5. Annexed hereto as **Exhibit C** is a true and correct copy of the unpublished decision and summary order of the United States Court of Appeals for the Second Circuit in *Filler v. Hanvit Bank*, No. 04-6295-cv and *Baker v. Hanvit Bank*, No. 04-6719-cv.

6. Annexed hereto as **Exhibit D** is a true and correct copy of the answer of Defendant Dexia Bank Belgium served and filed in the above-captioned *Filler v. Dexia, S.A.*, No. 04-CV-10477 (PBS) on or about March 24, 2005.

7. Annexed hereto as **Exhibit E** is a true and correct copy of the answer of Defendant Dexia Bank Belgium served and filed in the above-captioned *Baker v. Dexia, S.A.*, No. 04-CV-10501 (PBS) on or about March 24, 2005.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of July 2006.



Susan M. Davies
N.Y. Attorney Registration # 2413508